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10/507,536	03/08/2005	Theodor Graser	10191/3810	1368
26646 7590 02/25/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
DINH, BACH T				
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
02/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

The communication filed on 02/10/2009 has been considered but does not place the application in condition for allowance.

The 35 U.S.C. 112, first paragraph rejections of claims 16, 21, 23 and 25 are withdrawn in view of Applicant's argument.

With respect to applicant's argument regarding the 35 U.S.C. 102(b) rejection of claim 26, the argument is not persuasive for the following reason. Present claim recites "a recess is formed as a slotlike-shaped recess that widens toward an outer surface of the sensor element", the word "toward" is interpreted to include "in a direction of". Kato discloses cavity 6 is wider than the passage 14; therefore, the section of the recess disclosed by Kato comprising cavity 6 and passage 14 is widen toward or in the direction of the outer surface, which reads on the limitation of current claim.

With respect to applicant's argument regarding the 35 U.S.C. 103(a) rejection of claims 13-16 and 19-25 based on the teachings of Maurer, Muller and Liang, the argument is not persuasive for the following reason. Contrary to Applicant's assertion in page 7 of the communication filed on 02/10/2009, Examiner did not state or suggest substituting the electrical connector of Liang in place of the first layer; Examiner's position is the modification of the slot like opening of the cover plate in the sensor disclosed by Maurer and Muller to have a Y-shaped opening like that of

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Liang because such modification would guide the contacts to the conductive strip of the sensing electrode and the Y-shaped opening would not have performed a materially different function when combined in the slot like recess of the gas sensor disclosed by Maurer and Muller (see Office Action pages 6-7). Therefore, Examiner maintains the 35 U.S.C. 103(a) rejection of claims 13-16 and 19-25 according to the teachings of Maurer, Muller and Liang for Applicant's argument does not fully address the content of the Office Action.

With respect to applicant's argument regarding the 35 U.S.C. 103(a) rejection of claim 26 based on the teachings of Maurer, Muller, Liang and Kato, the argument is not persuasive for the same reason as addressed in the rejection of claims 13-16 and 19-25. Kato is relied on for the rejection of claim 26 in this instant is for the punching operations because the Y-shaped opening of Liang reads on the slotlike-shaped recess that widens toward the outer face of instant claim.

/Kaj K Olsen/
Primary Examiner, Art Unit 1795

BD
02/18/2009